

**REMARKS**

Claims 1-9 have been canceled and claim 10 has been amended to limit it to the elected group. These are all pyrimidines wherein  $X^1$  and  $X^2$  are N. The various substituents are defined as originally set forth in claim 10; small changes have been made for clarification and superscripts have been used for the substituents to expedite prosecution.

Claims 11 and 12 have been amended simply to delete compounds that are not in the elected group. New claims 21 and 22 are identical to claim 14 but dependent on claims 11 and 12, respectively. Claim 23 corresponds to the limitation on  $R^2$  in former claim 7 and claim 24 corresponds to the limitations on substituents in former claim 8. Claim 25 is directed to compounds of former claim 9 that are within the elected species. New claims 26, 27 and 28 are directed to pharmaceutical compositions containing these compounds.

Accordingly, no new matter is added. Applicants note that an election of species is required; applicants elect to prosecute the species of claim 12 as currently amended.

Applicants understand that should claims to the composition be allowed, claims to methods to use these composition dependents thereon may be rejoined, accordingly, claims 15-20, although withdrawn from consideration for the present, have not been canceled.

Applicants now request examination on the merits.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of

Application No.: 10/581,534

Docket No.: 415852000200

such petitions and/or other fees due in connection with the filing of this document to **Deposit**

**Account No. 03-1952** referencing docket No. 415852000200.

Dated: October 30, 2009

Respectfully submitted,

By: \_\_\_\_\_ / Kate H. Murashige /

Kate H. Murashige

Registration No.: 29,959

MORRISON & FOERSTER LLP

12531 High Bluff Drive, Suite 100

San Diego, California 92130-2040

(858) 720-5112